



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKETT NO.
---------------	-------------	-----------------------	----------------------

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

9

DATE MAILED:

EXAMINER INTERVIEW SUMMARY RECORD

All participants (applicant, applicant's representative, PTO personnel):

(1) MR. IAIN A. MCINTYRE (3) _____
(2) RD. SHAFER (4) _____

Date of Interview 9/25/01

Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☐ No. If yes, brief description: _____

Agreement ☐ was reached with respect to some or all of the claims in question. ☒ was not reached.

Claims discussed: N/A

Identification of prior art discussed: N/A

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: _____

SEE ATTACHMENT.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

☒ 1. It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph below has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW (e.g., items 1-7 on the reverse side of this form). If a response to the last Office action has already been filed, then applicant is given one month from this interview date to provide a statement of the substance of the interview.

☐ 2. Since the examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the substance of the interview unless box 1 above is also checked.

Examiner's Signature

Art Unit: 2872

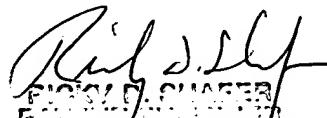
1. During the interview applicant's representative argued that he was confused as to how dependent claims can be properly restricted from an independent claim. The examiner pointed out to applicant's representative that the standard for restriction is that the examiner is required (1) to determine patentable distinctness, as set forth in MPEP section 806.05(c); (2) to satisfy the objective standard of separate status in the art, as set forth in MPEP section 808.02; and (3) to use his/her best judgement concerning burden with regard to Search and Examination, as set forth in MPEP section 803, which have been clearly addressed in this application.

The examiner referred applicant's representative to Paper No. 8, which clearly demonstrates the distinctness and burden between each of the patentably distinct inventions. The examiner informed applicant's representative may overcome the requirement for restriction by presenting an allowable linking claim as set forth in MPEP 809.04 or by providing a clear admission on the record that the claim(s) drawn to a given non-elected invention is not patentably distinct from the elected invention as set forth in MPEP 803.

The examiner further informed applicant's representative that he is required to elected a single invention and species to be fully responsive to the prior office action and to provide any arguments as why he considers the claim(s) drawn to a given non-elected invention not patentably distinct from the elected invention.

2. Any inquiry concerning this communication should be directed to R.D. Shafer at telephone number (703) 308-4813.

September 25, 2001/RDS


RICHARD D. SHAFER
PATENT EXAMINER
ART UNIT 2872